

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Michael Thomas Martinelli,

Plaintiff

v.

Tesla, Inc.,

Defendant

Case No. 2:23-cv-00423-JAD-EJY

**Order Granting Motion to Compel
Arbitration and Stay Lawsuit**

ECF Nos. 18, 19, 20

In this employment action, Defendant Tesla, Inc. moves to compel arbitration of Plaintiff Michael Thomas Martinelli's unlawful-termination claim based on a December 2017 Employee Transfer Agreement that requires "final, binding and confidential arbitration" of "any and all disputes, claims, or causes of action, in law or equity, arising from or relating to" Martinelli's employment.¹ Tesla also moves to stay discovery pending this court's decision on that motion to compel and requests that this case be stayed while the arbitration proceeding moves forward.² Martinelli's deadline to respond to those motions expired on June 25, 2024, with no response or request to extend the deadline to file one. This Court's Local Rule 7-2(d) provides that "[t]he failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion." I apply that local rule and construe Martinelli's failure to file any response as his consent to granting the motions to compel arbitration and to stay this case pending the conclusion of that proceeding.

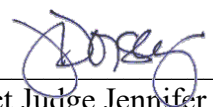
¹ ECF No. 18 at 2.

² ECF Nos. 19, 20.

1 IT IS THEREFORE ORDERED THAT Tesla, Inc.'s motions to compel arbitration and to
2 stay this case pending that arbitration [ECF Nos. 18, 20] are **GRANTED**. This case is
3 **STAYED** while the parties arbitrate Martinelli's claim in accordance with the terms of the
4 **arbitration clause in his Employee Transfer Agreement.**³

5 IT IS FURTHER ORDERED THAT Tesla Inc.'s motion to stay discovery pending this
6 court's ruling on the motion to compel [ECF No. 19] is **DENIED as moot**.

7 The Clerk of Court is directed to **ADMINISTRATIVELY CLOSE this case**.

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U.S. District Judge Jennifer A. Dorsey
June 28, 2024

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³ ECF No. 18-1 at 8.